

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ELIZABETH ELAINE BURLESON,

Plaintiff,

v.

CAMPING WORLD, INC. d/b/a GANDER
OUTDOORS,

Defendant.

CAUSE NO. 1:20-CV-3065

NOTICE OF REMOVAL

Defendant Camping World, Inc., d/b/a Gander Outdoors, by counsel, and for its Notice of Removal of Action, states as follows:

1. On October 13, 2020, Plaintiff filed her Complaint against Defendant Camping World, Inc., d/b/a Gander Outdoors in Marion County Superior Court Civil Division 13, under Cause Number 49D13-2010-CT-036202.

2. In her Complaint, Plaintiff alleges that on December 11, 2018, she was an invitee on the Camping World, Inc., d/b/a Gander Outdoors premises when a display became insecure and a kayak fell and hit Plaintiff, causing her injuries and damages.

3. Plaintiff alleges that she “has sustained physical pain and mental suffering incurred medical expenses and other special expenses and will incur future medical care and expenses, impairment of earning capacity, sustained bodily disfigurement or deformity and been otherwise damaged and injured.”

4. Plaintiff is a citizen of the State of Indiana.

5. Defendant is incorporated under the laws of the State of Kentucky with its principal place of business in Kentucky.

6. Defendant contends that this cause is removable under 28 U.S.C. § 1332 and none of the impediments to removal under 28 U.S.C. § 1445 are present.

7. Defendant was served with Plaintiff's Complaint by certified mail on or about October 20, 2020; however, the Complaint included only a general prayer for relief and counsel had no indication regarding whether the amount in controversy requirement for federal diversity jurisdiction was present.

8. On November 18, 2020, Counsel for Defendant was notified by Plaintiff's counsel that Plaintiff had sustained substantial injuries that required surgical intervention and was therefore seeking damages in excess of \$75,000.00.

9. Accordingly, this Petition for Removal is being filed with the Court within thirty (30) days after determining that the basis for diversity jurisdiction exists.

10. Copies of all pleadings filed in the state court action in the possession of Defendant are attached as "Exhibit A".

11. Contemporaneously, a written notice is being provided to all adverse parties and to the Clerk of the Marion Superior Court, Civil Division 13 that this Notice of Removal is being filed in this Court.

WHEREFORE, Defendant Camping World, Inc., d/b/a Gander Outdoors, prays that the entire state court action pending in the Marion Superior Court, Civil Division 13 of Indiana, under Cause Number 49D13-2007-CT-023664, be removed to this Court for all further proceedings.

Dated: November 24, 2020.

Respectfully submitted,

KOPKA PINKUS DOLIN PC

By: /s/ Leslie B. Pollie

Leslie B. Pollie, Atty No. 25716-49

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on November 24, 2020, I electronically filed the foregoing document using the the Court's ECF/CMF filing system. I further certify that the following persons were served on the same date via electronic mail:

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